



\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 3696/2024**

NEERAJ NARA

.....Petitioner

Through: **Mr.Sumer Kumar Sethi and Ms.Dolly
Sharma, Advocates**

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: **Mr.Mukesh Kumar, APP for the State
alongwith Insp. Ravi and SI Deshraj,
P.S.-BHD Nagar
Mr.Dhananjai Kaushal, Advocate for
complainant (Through VC)**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

25.11.2024

%

1. The present bail application has been filed on behalf of the applicant under Section 483 read with Section 528 of BNSS 2023, seeking regular bail in FIR no. 53/2019 registered at Police Station Baba Haridas Nagar for offences punishable under Sections 365/302/201/120B IPC.
2. Learned counsel for the applicant submitted that the applicant has been in custody for a very long time. It has been submitted that the applicant's name is not mentioned in the FIR, and there is no substantial evidence linking him to the alleged offence. It has further been submitted that the chargesheet has already been filed, and the



trial may take a long time, as only 8 out of 54 cited witnesses have been examined. Further, it has been submitted that the applicant is not in a sound medical condition, on account of which he was earlier admitted to bail as well which was never misused.

3. Learned APP for the State has vehemently opposed the instant bail application and submitted that it is the case where the present applicant, along with the other co-accused namely Vidhan and Naveen, had committed murder of a young woman, after making an attempt to outrage her modesty. It has been submitted that the naked body of the deceased victim was found in a well as the accused persons strangled her and disposed of her body by throwing it into the well. It has further been submitted that there is concrete evidence against the accused persons in the form of CCTV footage, CDR, the matching of the DNA profile and recovery of clothes and other articles of the deceased victim. It has been submitted that in these facts and circumstances, the applicant is not entitled to be admitted to bail. Learned APP for the State also adopts the status report filed by SI Sachin, Police Station-BHD Nagar before the learned Trial court.
4. Perusal of the status report indicates that the name of the applicant came in the disclosure statement of the main accused Vidhan @ Dang, wherein he stated that on 17.01.2019 at about 6.30 PM, he along with his friend Neeraj i.e. the present applicant and Naveen were present at Dichaon Stand in Najafgarh, where they consumed alcohol. It was stated that the applicant had given his motorcycle bearing No. DL-12SM-6094 to Vidhan @ Dang and the applicant took his Maruti Eco van bearing No. DL-2C-AY7212, as he had to go



to a marriage function. It was further stated that thereafter, the present applicant left for his home. As per disclosure statement, Vidhan @ Dang followed the E-Rickshaw in which the deceased victim was sitting and stopped her in midway, thereafter, the deceased victim sat on his motorcycle. Thereafter, as per disclosure, Vidhan @ Dang took the deceased victim to his fields behind Nand Vatika on the pretext of closing the tube well and there, he tried to rape her, but when the deceased victim resisted, he tied her mouth with her stole and thereafter, he contacted Naveen and Neeraj, the applicant herein, at their mobile numbers and asked them to come at the spot. Thereafter, the applicant and Naveen reached the spot in Maruti Eco van No. DL2CAY-7212 and they all tried to rape the deceased victim, however, the deceased victim hit a punch at Vidhan's nose, resulting in bleeding from his nose, and when she started shouting, it was stated that Vidhan @ Dang strangled her while Naveen and the applicant Neeraj held her hands.

5. Thereafter, Vidhan damaged her mobile and threw it inside a well situated in his field. It was further disclosed that Naveen switched off his mobile phone and handed it over to the applicant Neeraj and the applicant Neeraj fled by his Motorcycle. Vidhan and Naveen put the dead body of the deceased victim inside the abovesaid Eco Van and reached Jhajar, Haryana, to dispose of the dead body. It was disclosed that they threw the naked body of the deceased victim into a well and drove back to Delhi. It was stated that a green colour purse of the deceased victim was handed over to the applicant-Neeraj with a direction to dispose it of. Subsequently, one burnt piece of the green



colour purse was recovered at the instance from the applicant from a field situated near Jai Vihar Nala. At the instance of the applicant, one multi coloured sweater and one blue jeans having a tag of “Vintage Superdry” was also recovered. The FSL of the deceased matched only with the accused Vidhan @ Dang. The cause of death was opined as Asphyxia due to constriction of neck.

6. Upon perusal of the status report filed by the prosecution, the role of the present applicant was that he held the hands of the deceased victim, while co-accused Vidhan @ Dang pressed her neck. The other allegation as per the disclosure is that they all tried to rape her, which was resisted. The prosecution has also alleged the recovery of certain belongings of the deceased victim from the applicant.
7. Learned counsel for the complainant vehemently opposed the bail application on the ground that if the applicant is released on bail, he may misuse the same
8. It is a settled proposition of law that the objective of detention during the trial is not punitive. The Court at this stage, looks at the *prima facie* case, and cannot enter into the meticulous examination of the facts. The applicant has been in custody for around 3 years and 5 months, his conduct has been satisfactory and it has been stated that the applicant is suffering from various ailments..The detailed medical report filed by the Office of the Senior Medical Officer dated 26.10.2024 is as under:-

“1. Summary of medical history of patient.

As per available medical records, the patient presented in Dispensary on multiple occasions with history of having Diabetes Mellitus Type-II since 6-7 years with past history of tuberculosis



(5 year back) with incomplete treatment and Hypothyroidism. Patient was started with oral medications to control blood sugar level and thereafter he was put on insulin but his blood sugar levels were relatively remained on higher side. He was being reviewed and managed by Senior Resident Medicine and made diagnosis as poorly controlled Diabetes.

2. Review and Consultation by SR Ortho DDU Hospital

On 18.11.2023 as jail visiting SR Orthopedics DDU Hospital came to CJ-8/9 for OPD. The patient was reviewed and he gave complaints of lower back pain with uncontrolled sugar. He was examined and advised medications and Physiotherapy accordingly. Subsequently again on 02.12.2023 patient was again reviewed by jail visiting SR Orthopaedics. He gave complaint of lower back pain with radiculopathy with known case of Diabetes Mellitus. He was examined and noted that symptoms not relieved. He was advised to increase the doses of oral medications accordingly.

For his severe low backache with radiculopathy and weakness patient was examined by jail duty doctor on 15.01.2024. He was examined and advised for relevant blood investigations and to continue same medications. Subsequently due to his chronic low back ache patient was reviewed by jail visiting SR Orthopedics DDU Hospital on 04.03.2024 & 17.02.2024, he was examined and advised to continue same medications.

3. Reviewed by G.B Pant Neurologist

The patient was diagnosed with Diabetic Peripheral Neuropathy (complication of long standing Diabetes). Furthermore on 31.05.2024 patient was referred to G.B Pant Hospital, Neurology Department for his complaint of low backache with radiation. He was examined by Associate Professor and on examination left lower limb weakness was present. He was advised for MRI LS Spine, blood Serum 812 and oral medications doses were increased. His MRI LS Spine was scheduled for 03.10.2025 as per appointment from G.B Pant Hospital.

4. Reviewed by SR Ophthalmology(Eye)

The inmate patient was reviewed by jail visiting SR Eye on 12.09.2023 for his complaints of headache while using the prescribed glasses. He was again advised for refraction and



acceptance test. He was referred to Central Jail Hospital for eye examination on 20.09.2023 and it was found some changes in left eye. He was examined and advised to use the new corrective glasses.

5. Reviewed by SR Medicine

On 03.04.2024 patient was reviewed by jail visiting SR Medicine as a follow up case of Diabetes Mellitus, Hypothyroidism, and chronic low backache with giddiness. He was examined and advised medications and to review with blood investigations. On 04.03.2024 & 18.04.2024 blood reports reveals Haemoglobin 10.8g/dl (mild anaemia). His Kidney function test revealed HbA1C levels 8.99% (higher side). Furthermore on 10.05.2024 he was again reviewed by jail visiting SR Medicine as a follow up case of Diabetes Mellitus and presently complaints of palpitations. He was examined and advised to continue same medications.

On 24.05.2024 and 06.06.2024 patient was reviewed by jail visiting SR Medicine. He gave complaint of numbness over bilateral lower limb since 10-12 days headache, cough with expectoration since 4-5 days. On Examination his RBS fasting was 210mg/dl. He also advised medications and increase in insulin dose with relevant blood investigations and also advised for Neurological opinion was advised for admission in MI-Room for RBS monitoring and injectable insulin.

It is pertinent to mention that the patient was suffering from multiple ailments as mentioned above and was provided treatment accordingly.”

9. In view of the facts and circumstances, the applicant is admitted to regular bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of concerned learned Trial Court, subject to the verification of address and mobile number to be given and subject to the following further conditions:

- a. the petitioner shall regularly appear before the IO/trial court as and when directed;
- b. the petitioner shall not directly or indirectly make any



inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;

- c. the petitioner shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court;
- d. In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

10. In view of the above, the instant application stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 25, 2024

Dy/smg..